



PUBLIC PROTECTOR
SOUTH AFRICA

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Please quote this reference in your reply: 7/2 – 46829/11

2 October 2013

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The Hon. Luwellyn Landers, MP
The Chairperson of the Ad-hoc Committee
appointed to consider and report on the
Public Protector Report No. 13 of 2013/2014
Parliament of the Republic of South Africa
Plein Street
CAPE TOWN
8000

Dear Hon. Landers

"INAPPROPRIATE MOVES": REPORT ON AN INVESTIGATION INTO ALLEGATIONS OF MALADMINISTRATION AND CORRUPTION IN THE PROCUREMENT OF THE RIVERSIDE OFFICE PARK TO ACCOMMODATE THE HEAD OFFICES OF THE ELECTORAL COMMISSION

1. Thank you for your correspondence to me of 30 September 2013, the contents of which have been noted.
2. At the outset, I wish to sincerely thank you for pointing out the error in my correspondence addressed to the Speaker as contained in paragraph 4 thereof. Kindly be advised that the correct section of the Public Protector Act that I intended referring to is section 8(2)(b)(i) and (iii) which reads as follows:

"8 Publication of findings

...

(2) (a) ...

(b) *The Public Protector shall, at any time, submit a report to the National Assembly on the findings of a particular investigation if-*

(i) *He or she deems it necessary;*

(ii) ...

(iii) *it requires the urgent attention of, or an intervention by, the National Assembly;"*

3. My intention for referring the matter to the Speaker was for him to consider the report as both institutions of the Public Protector and the Electoral Commission report to the Speaker, administratively. With respect, it was never my intention to have the report tabled in Parliament.
4. In making my submission to the Speaker, I also took into account the fact that the issues investigated and reported on, occurred when Adv. Tlakula was occupying the position of a Chief Electoral Officer of the Commission and not necessarily a Commissioner.
5. In the wake of the comments made by Adv. Tlakula in the media, I felt that it would be fair for the Speaker to consider whether it would not be appropriate to refer the matter to another forum such as the Electoral Court with a view to affording it an opportunity to look into the matter as the Court would perhaps come to a different conclusion from mine.
6. I trust that the above clarity is in order and thus apologize for any inconvenience caused.

Best wishes



ADV. N. MADONSELA

PUBLIC PROTECTOR OF THE
REPUBLIC OF SOUTH AFRICA

DATE: 02/10/2013